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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Higinio REYES-Lopez

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

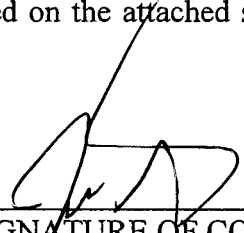
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **June 6, 2008** within the Southern District of California, defendant, **Higinio REYES-Lopez** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF JUNE, 2008


Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Higinio REYES-Lopez

PROBABLE CAUSE STATEMENT

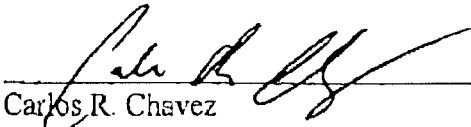
I declare under the penalty of perjury that the following statement is true and correct:

On June 6, 2008, at approximately 10:30 P.M., Border Patrol Agent H. Ballow was performing line watch duties in the El Cajon Border Patrol Station's area of responsibility. At that time, Agent Ballow was advised by Scope Operator Border Patrol Agent I. Diaz that eight individuals were walking northbound through a drainage ditch located approximately 20 yards north of the United States/Mexico International Boundary and 50 yards east of the Tecate, California Port of Entry. This area is frequently used by undocumented immigrants to gain illegal entry into the United States.

Agent Diaz observed the eight individuals travel north across Thing Road and informed Agent Ballow as to their location, which was now approximately 200 yards north of the international boundary fence. Upon arriving in the area, Agent Ballow encountered eight individuals, including one later identified as the defendant **Higinio REYES-Lopez**, attempting to conceal themselves in the surrounding brush. Agent Ballow identified himself as a Border Patrol Agent and questioned them regarding their citizenship, nationality and immigration documentation. All individuals, including the defendant, admitted to having entered the United States without inspection, and that they were citizens and nationals of Mexico not in possession of immigration documents that would allow them to enter or remain in the United States legally. At approximately 11:15 P.M., Agent Ballow arrested all eight individuals, including the defendant, and then transported them to the Tecate Processing Station for processing.

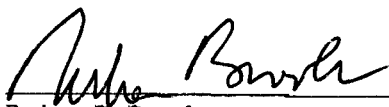
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on May 30, 2008 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on June 8, 2008 at 9:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on June 6, 2008 in violation of Title 8, United States Code, Section 1326.



Ruben B. Brooks
United States Magistrate Judge

6/8/2008 at 9:35 a.m.

Date/Time